

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION

KARRISSA GATHEINGS

PLAINTIFF

VERSUS

CAUSE NO.: 3:19-CV-096-MPM-RP

C & C EQUIPMENT RENTAL, INCORPORATED AND  
JOHN DOE CORPORATION

DEFENDANTS

**COMPLAINT**

COMES NOW the Plaintiff, Karrissa Gatheings, and exhibits her Complaint against the Defendants, C & C Equipment Rental, Incorporated and John Doe Corporation, and would show unto the Court the following, to-wit:

1. Plaintiff Karrissa Gatheings is an adult resident citizen of Robinsonville, Tunica County, Mississippi.

2. C & C Equipment Rental, Incorporated (hereinafter "Defendant") is a Tennessee corporation doing business in Mississippi. The Defendant may be served with process by serving its agent for service of process through its registered agent, Thomas W. Greaves, 739 Graves Avenue, Henning, TN 38041-6829.

3. Defendant John Doe Corporation includes the Defendant's subsidiaries or other companies that may be liable for the Plaintiff.

4. This Court has jurisdiction pursuant to 28 U.S.C. §1332 in that the amount in controversy is above the jurisdictional limit of this Court and there is complete diversity of citizenship between the Plaintiff and the Defendant.

5. This cause of action is proper within this Court since the incident occurred in Desoto County, Mississippi.

6. On December 5, 2018, the Plaintiff was driving a vehicle east bound on Interstate 69 in the outside, right lane of traffic in Desoto County, Mississippi. On the same date and at the same time, Richard M. McNair ("McNair"), an agent and/or employee of the Defendant, was driving the Defendant's tractor

pulling a flat bed trailer traveling in the same direction, but in the inside, left lane. McNair attempted to pass the Plaintiff's vehicle at a high rate of speed. While doing so, the Defendant's trailer improperly swerved and entered the right, outside lane of traffic in which the Plaintiff was traveling, causing the accident in question.

7. McNair operated the Defendant's vehicle he was driving carelessly, negligently, wrongfully, and unlawfully so as to crash the flat bed trailer into the vehicle the Plaintiff was driving, causing a violent collision and causing severe injuries to the Plaintiff.

8. The collision and the resulting damages to the Plaintiff were directly and proximately caused or contributed to by the negligence of McNair, an agent and/or employee of the Defendant, in his failure to exercise the proper degree of care in the following respects, to-wit:

- (A) Failing to maintain a proper lookout;
- (B) Failing to maintain control of the trailer he was pulling;
- (C) Operating the tractor he was driving at an excessive rate of speed under the circumstances then and there existing;
- (D) Operating the Defendant's tractor/trailer he was driving in a careless and reckless manner;
- (E) Failing to use reasonable care;
- (F) In failing to avoid the collision;
- (G) Failing to yield to the right of way of the Plaintiff;
- (H) Failing to devote full time and attention to the operation of the Defendant's tractor//trailer;
- (I) In failing to stop, turn, or take other action to avoid the collision when he knew, or should have known, that a collision was imminent;
- (J) In crossing into the lane of traffic which the Plaintiff was traveling;
- (K) Failing to obey the rules of the road and the statutes and laws of the State of Mississippi; and

(L) Any other matters that would be proven at the trial of this action.

9. At all times relevant hereto, McNair was an agent, servant and employee of the Defendant and was acting in furtherance of the Defendant's business and, as a result, the Defendant is liable for the negligent acts of McNair under the doctrine of *respondeat superior*.


10. As a result of the aforesaid negligent actions, the Plaintiff sustained multiple and severe injuries and as a result, have incurred medical expenses and suffered pain and discomfort, mental and emotional distress, loss of enjoyment of life, disability, lost wages, lost of wage earning capacity, property damage, and will reasonably be expected to continue to suffer from such ailments in the future.

WHEREFORE, the Plaintiff, Karrissa Gatheings, seeks damages of, from, and against the Defendants, C & C Equipment Rental, Incorporated and John Doe Corporation, in an amount exceeding the minimal jurisdictional limits of this Court, plus pre-judgment and post-judgment interest and costs incurred herein and such other relief to which the Plaintiff may be entitled.

The Plaintiff respectfully demands a trial by jury on all issues so triable.

THIS, the 2<sup>nd</sup> day of May, 2019.

Respectfully submitted,  
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By:   
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